

TTAB

TRADEMARK
16238.71

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X
MIRAGE COSMETICS, INC.,
Petitioner,
vs.
MARKWINS BEAUTY PRODUCTS, INC.,
Registrant.
-----X

CANCELLATION NO. 95545666
Registration No. 2,337,607
Mark: WET 'N' WILD U.S.A.
Registration Date:
April 4, 2000

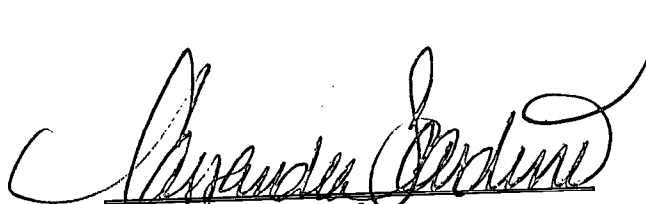
CERTIFICATE OF MAILING UNDER 37 CFR 1.08

I hereby certify that the attached document, in triplicate,
comprising of:

ANSWER TO PETITION FOR CANCELLATION

is being deposited with the United States Postal Service in an
envelope bearing sufficient postage and is being sent via first-class
mail under 37 C.F.R. § 1.08 on September 19, 2005 and is addressed to:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451


Cassandra Scardino



09-23-2005

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #01

September 19, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

-----X
MIRAGE COSMETICS, INC.,
Petitioner,
vs.
MARKWINS BEAUTY PRODUCTS, INC.,
Registrant.
-----X

CANCELLATION NO. 95545666
Registration No. 2,337,607
Mark: WET 'N' WILD U.S.A.
Registration Date:
April 4, 2000

ANSWER TO PETITION FOR CANCELLATION

Registrant Markwins Beauty Products, Inc. ("Registrant") responds as follows to the petition of Mirage Cosmetics, Inc. ("Petitioner") to cancel U.S. trademark registration no. 2,337,607 (the "Registration"):

1. To the extent Registrant is required to respond to the introductory comments that precede the allegations of the petition, Registrant admits that, in this proceeding, Petitioner is seeking to cancel the Registration and that its name and address are Markwins Beauty Products, Inc., 22067 Ferraro Parkway, City of Industry, California 91789. Except as so admitted, Registrant denies the remaining introductory comments.

2. Registrant is without information sufficient to enable it to admit or deny the allegations of paragraphs 1 and 5 of the petition and, on that basis, it denies them.

3. In response to paragraph 2 of the petition, Registrant admits that an Exhibit "A" is attached to the petition. Registrant is without information sufficient to enable it to admit or deny the remaining allegations of paragraph 2 and, on that basis, it denies them.

4. In response to paragraph 3 of the petition, Registrant admits that an Exhibit "B" is attached to the petition. Registrant is without information sufficient to enable it to admit or deny the remaining allegations of paragraph 3 and, on that basis, it denies them.

5. In response to paragraph 4 of the petition, Registrant admits that an Exhibit "C" is attached to the petition. Registrant is without information sufficient to enable it to admit or deny the remaining allegations of paragraph 4 and, on that basis, it denies them.

6. Registrant admits the allegations of paragraph 6 of the petition.

7. In response to paragraph 7 of the petition, Registrant admits that an Exhibit "D" is attached to the petition. Registrant is without information sufficient to enable it to admit or deny the remaining allegations of paragraph 7 and, on that basis, it denies them.

8. In response to paragraph 8 of the petition, Registrant admits that an Exhibit "E" is attached to the petition. Registrant denies the remaining allegations of paragraph 8.

9. In response to paragraph 9 of the petition, Registrant admits that an Exhibit "F" is attached to the petition. Registrant denies the remaining allegations of paragraph 9.

10. Registrant denies the allegations of paragraphs 10, 12, 13 and 14 of the petition.

11. In response to paragraph 11 of the petition, Registrant admits that it filed U.S. trademark application no. 78/633,599 for the mark WET N WILD on or about May 19, 2005 and that Exhibits "G", "H" and "I" are attached to the petition. Registrant denies the remaining allegations of paragraph 11.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

12. The petition fails to state a claim for relief against Registrant.

SECOND AFFIRMATIVE DEFENSE

13. Registrant is informed and it believes that Petitioner has no standing.

THIRD AFFIRMATIVE DEFENSE

14. The petition and each of the claims in it are barred by the doctrine of laches.

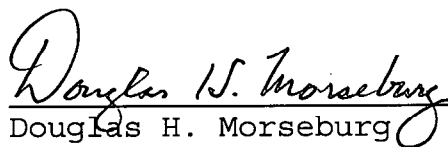
FOURTH AFFIRMATIVE DEFENSE

15. The petition and each of the claims in it are barred by the doctrine of acquiescence.

WHEREFORE, Registrant prays that the petition for cancellation be dismissed with prejudice or that Petitioner's request for cancellation be denied.

Dated: September 19, 2005

Respectfully submitted,


Douglas H. Morseburg

SHELDON & MAK
225 South Lake Avenue, 9th Floor
Pasadena, California 91101
Tel: (626) 796-4000
Fax: (626) 795-6321

Attorneys for Registrant Markwins
Beauty Products, Inc.